

REMARKS

Claims 1, 3, 4, 6-39, 41-65, 67-73, 83-90, 92, 93, 95-101, 103, and 106-125 are now pending in this application. Claims 1, 3, 4, 6-14, 36-39, 41-57, 62-65, 67-73, 83-90, 92, 93, 95, 96 and 114-125 stand allowed and have been maintained unchanged, and so are believed to remain allowable at least for the reasons previously given. Claims 19, 20, 60, 101, 103-105 and 11 were objected to only as being dependent upon rejected base claims, and to the extent not cancelled, are now thought to be allowable in view of the following remarks explaining why those base claims themselves are allowable. Claims 15-18, 21-23, 58, 59, 61, 97-100, 102, 106-110, 112 and 113 have been rejected.

Claims 94, 102, 104 and 105 have been cancelled. Claims 15, 58, 97, 101, 103 and 111 have been revised.

Claims 15, 36 (allowed), 57 (allowed), 58, 62 (allowed), 87 (allowed), 92 (allowed), 95 (allowed) and 97 are independent.

The Examiner is thanked for the personal interview conducted on December 3, 2003. In preparing this Amendment, Applicants have taken care to proceed in a manner consistent with the discussions between Applicants' attorney and the Examiner during that interview. For example, claim 94 has been cancelled and claims 15, 58, 97, 103, 101 and 111 have been revised in the manner which was discussed. Arguments have been presented which distinguish the claimed invention from the cited art for reasons which include the grounds advanced during that meeting.

Election/Restriction

The Office Action deemed claim 94 to be directed to a non-elected species of invention, and withdrew that claim from consideration.

In the interests of expediting prosecution, Claim 94 has been cancelled without prejudice to later representation.

**The Objection
to the Specification**

The specification was objected to under 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o) as failing to provide proper antecedent basis for claim 101.

As discussed during the personal interview, claim 101 has been revised to use language that is consistent with the specification. This is believed to resolve the outstanding objection.

Favorable reconsideration and withdrawal of this objection are respectfully requested.

**The Objection
to the Drawings**

The drawings were objected to under 37 C.F.R. § 1.83(a) as failing to show all features of the invention as set out in claims 102-105 and 111.

First, it will be appreciated that the cancellation of claims 102, 104 and 105 renders moot the corresponding portions of this objection.

With regard to claim 103, that claim has been revised and, it is respectfully submitted, the features of the claim as revised can be found in the drawings, for example, in Fig. 6(c), element 231.

As for the portion of the objection based on claim 111, it is respectfully submitted that the films in question are depicted in Figs. 11(b) and 32. Thus, no drawing changes are believed necessary.

Insofar as the Office Action raised a question with regard to the protruding portion, that question is now moot in view of the cancellations and revisions to the claims.

The Objection to the Claims

Claim 91 was objected to as being cancelled. The dependency of claim 105 also was objected to.

First, Applicants confirm that claim 91 has been cancelled, and this is reflected in the Listing of Claims herewith.

As regards claim 105, claim 105 has been cancelled, and the corresponding portion of this objection now is moot.

Accordingly, favorable reconsideration and withdrawal of these objections is respectfully requested.

The Rejections Under 35 U.S.C. § 102

Claims 15-18, 21-23, 58, 59 and 61 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,250,750 to Miyazawa et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Claim 15 is directed to an ink cartridge for an ink jet printer. The cartridge includes a housing having walls and an opening, the housing containing ink, a top wall of the housing being a lid covering the opening of the housing. The housing also has at least one ink

chamber defined by the housing and the lid, an ink supply port formed on one of the housing's walls, and at least one recess forming a space in an outer surface of the lid when the ink cartridge is packed under a vacuum condition. The pressure within the space is lower than the atmospheric pressure when the ink cartridge is packed. The cartridge also has a seal member adhered to the outer surface of the lid, and the recess does not communicate with the interior of the ink cartridge, and is exposed to an exterior of the ink cartridge when the seal member is adhered to the lid's outer surface.

As set out in claim 58, this invention also is drawn to an ink jet printer that has a carriage, a print head including nozzles through which ink is ejected and which mounted on the carriage, and an ink cartridge mounted on the carriage. The ink cartridge includes a housing having walls and an opening, a top wall of the housing being a lid covering the opening of the housing, at least one ink chamber defined by the housing and lid, and an ink supply port formed on one of the walls of the housing. At least one recess forms a space in an outer surface of the lid, the pressure within that space being lower than the atmospheric pressure when the ink cartridge is packed, a seal member adheres to the outer surface of the lid, and the recess does not communicate with an interior of the ink cartridge, and is exposed to an exterior of the ink cartridge when the seal member is adhered to the lid's outer surface.

Both of these claims therefore provide that the recess does not communicate with the interior of the ink cartridge, as discussed during the personal interview.

Nowhere does Miyazawa disclose, or even suggest, that the lid of the ink cartridge have a recess, much less that such a recess be covered with a sealing member in a manner that allows the recess to communicate with its surroundings and not the interior of the cartridge, as is specified in claims 15 and 58. In this regard, Applicants respectfully submit that

those skilled in the art will understand that the air release hold (recess) 31, the ink charging hole 30 (recess) and the through hole portion 33 seen in Figs. 1 and 4 of Miyazawa, which the Office Action asserted corresponds to the claimed recess, would be covered completely by a sealing member if the sealing member is adhered to the outer surface of the lid. This complete coverage means the recesses 30, 31 or 33 shown in Figs. 1 and 4 of Miyazawa would not, when the ink cartridge is packed, provide the benefits of the claimed recess such as helping to control unwanted bubbling.

The through-hole portion 33 shown in Figs. 1 and 4, it should be noted, is in communication with the interior of the ink cartridge via the groove 32.

Also, the ink charging hole 30, the air release hole 31, and the through-hole portion 33 shown in Figs. 1 and 4 are covered fully by the sealing film. This structure therefore cannot suggest the aspects of this invention in which the recess does not communicate with the cartridge interior and/or is exposed to the cartridge exterior when the seal is adhered to the lid's outer surface - in fact, those skilled in the art will appreciate that the through-hole portion is covered by the sealing film, precisely the contrary of the present invention.

It is noted the Interview Summary record acknowledges that one of these claim features patentably distinguishes over the applied art.

The remaining rejected claims all ultimately depend from and so incorporate by reference all the features of claims 15 or 57, including those features just shown to avoid the cited art. These claims therefore patentably distinguish over such art at least for the same reasons as their respective base claims.

A reference which does not identically disclose all the features of a claimed invention cannot anticipate that invention. Here, Miyazawa does not suggest the recess does

not communicate with the cartridge interior and, when the seal is affixed to the lid's outer surface, is exposed to the cartridge's exterior. Miyazawa therefore does not anticipate or even suggest the present invention.

For all the foregoing reasons, favorable consideration and withdrawal of this rejection are respectfully requested.

Claims 97-100, 102, 106-110, 112 and 113 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Miyazawa. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

Claim 102 has been cancelled, thereby rendering the corresponding portion of this rejection moot.

As set out in claim 97, this invention relates to an ink cartridge for an ink jet printer which has an ink cartridge main body with an ink chamber communicating with an ink supply port; and a lid covering an opening portion of the ink cartridge main body, and having an atmosphere communication port through which the ink chamber is communicateable with atmospheric air. A narrow groove is formed on the lid's surface and is sealed by film to define a capillary. One end of the narrow groove communicates with the atmosphere communication port, and the other end communicates with an opening that is open to the atmosphere. The narrow groove occupies only a portion of the surface of the lid, and the outer surface of the lid has a portion where the narrow groove is not formed. A recess for storing a negative pressure under vacuum is formed on the portion of the outer surface of the lid where the narrow groove is not formed, and the recess does not communicate with the interior of the ink cartridge.

Claim 97 therefore provides that the recess does not communicate with the interior of the ink cartridge, as discussed during the personal interview, and as show above to avoid the cited art.

Again, it should be noted that Miyazawa does not even suggest that the lid of the ink cartridge have a recess as claimed. The recesses 30, 31 and 33 seen in Figs. 1 and 4 of Miyazawa, which the Office Action asserted corresponds to the claimed recess, would be covered completely by a sealing member if the sealing member is adhered to the outer surface of the lid. This complete coverage means the recess 31 shown in Figs. 1 and 4 of Miyazawa would not, when the ink cartridge is packed, provide the benefits of the claimed recess such as helping to control unwanted bubbling.

The through-hole portion 33 shown in Figs. 1 and 4, it should be noted, is in communication with the interior of the ink cartridge via the groove 32. Ink charging hole 30 and air release hole 31 also communicate with the interior of the cartridge. These structures therefore do not suggest the aspects of this invention involving a recess that is not in communication with the cartridge interior.

Also, the holes 30, 31 and 33 shown in Figs. 1 and 4 also are covered fully by the sealing film. This structure therefore cannot suggest the aspects of this invention in which the recess does not communicate with the cartridge interior and/or is exposed to the cartridge exterior when the seal is adhered to the lid's outer surface - in fact, those skilled in the art will appreciate that the through-hole portion is covered by the sealing film, precisely the contrary of the present invention.

It is again noted the Interview Summary record acknowledges that one of these claim features patentably distinguishes over the applied art.

The remaining rejected claims all ultimately depend from and so incorporate by reference all the features of claim 97, including those features just shown to avoid the cited art. These claims therefore patentably distinguish over such art at least for the same reasons as their respective base claims.

A reference which does not identically disclose all the features of a claimed invention cannot anticipate that invention. Here, Miyazawa does not suggest the recess does not communicate with the cartridge interior and, when the seal is affixed to the lid's outer surface, is exposed to the cartridge's exterior. Miyazawa therefore does not anticipate or even suggest the present invention.

For all the foregoing reasons, favorable consideration and withdrawal of this rejection are respectfully requested.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the document listed on the enclosed Form PTO/SB/08a.

The Examiner is respectfully requested to confirm that these references have been considered by returning to Applicants' undersigned attorney a copy of the accompanying Information Disclosure Statement by Applicant form (PTO/SB/08a).

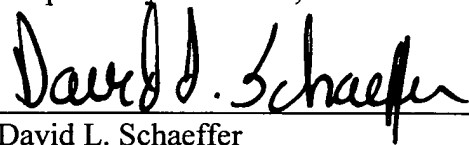
Since this Supplemental Information Disclosure Statement is being filed in accordance with 37 C.F.R. § 1.97(c), the Commissioner is authorized to charge the requisite fee under 37 C.F.R. § 1.17(p) (\$180), as well as any other fee which may now or hereafter be due, to Deposit Account No. 19-4709. A Fee Transmittal sheet (PTO/SB/17) is enclosed herewith.

CONCLUSION

Applicants have made a diligent effort to place this application in condition for allowance and submit that the claims are in condition for allowance. If for any reason, however, the Examiner should deem that this application is not in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below to resolve any outstanding issues prior to issuing a further Office Action.

The Commissioner is authorized to charge any fee now or hereafter due in connection with the prosecution of this application to Deposit Account No. 19-4709.

Respectfully submitted,

A handwritten signature in black ink, reading "David L. Schaeffer", is written over a horizontal line.

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